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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,271	11/20/2001	Michael C. Smyk	FCI-2632/C3069	9590

7590

01/14/2004

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EXAMINER
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HARVEY, JAMES R

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/989,271

Applicant(s)

SMYK, MICHAEL C.

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-44 is/are pending in the application.
- 4a) Of the above claim(s) 43 and 44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### ***DETAILED ACTION***

#### ***Claim Cancellations***

- The listing of claims indicates that claims 1-29 are “canceled” and claim 43-44 are “withdrawn”. This listing is not correct.
- The proper listing of the claims notation should indicate that the status of claims 1-29 is (previously canceled) and the status of claims 43-44 is (previously withdrawn).

#### ***Information Disclosure Statement***

It is noted that applicant did not receive an initialed copy of the three previously submitted IDS forms. A second copy of the three statements will be forwarded with this correspondence.

#### ***Claim Rejections - 35 USC § 103***

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claim(s) 20-42 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over FCI's Jumbo PV Receptacle in view of Miwa (5788542).

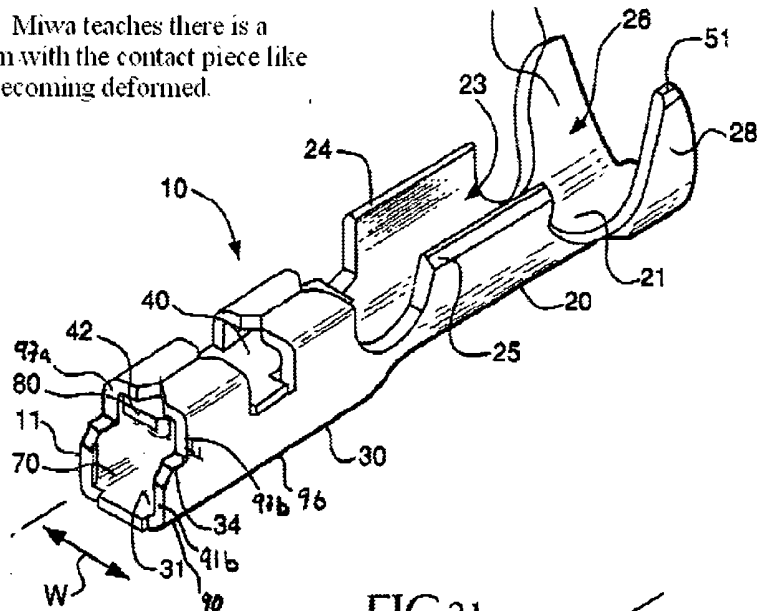
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-- In reference to claims 20-42, FCI's Jumbo PV Receptacle shows substantially the invention as claimed. However, FCI's Jumbo PV Receptacle does not show a protecting wall portion.

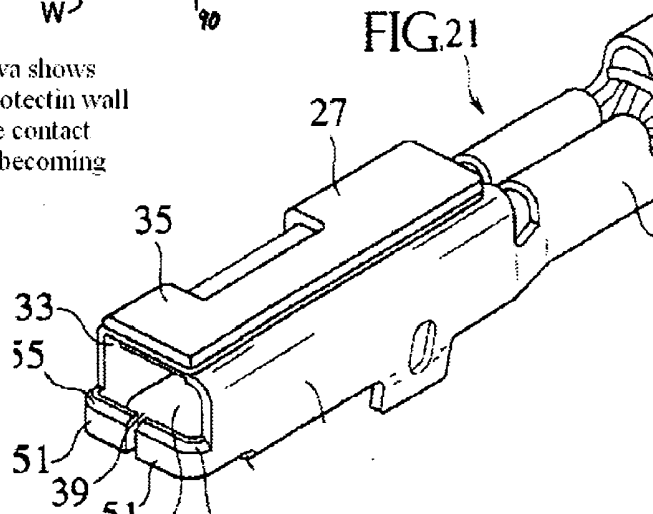
Miwa shows a protecting wall portion 51.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to protect the bent portion of FCI's Jumbo PV Receptacle with the protecting wall portion of Miwa (see examiner's figures) because, as taught by Miwa, the resilient contact piece needs protected before it is placed into the housing (column 1, lines 40-50).

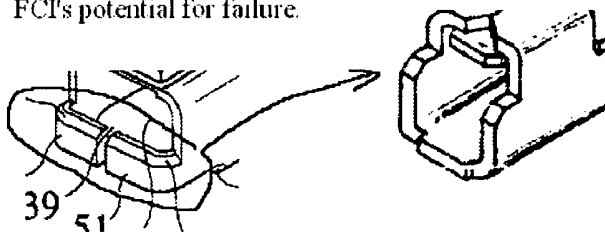
Step 1: Miwa teaches there is a problem with the contact piece like FCT's becoming deformed.



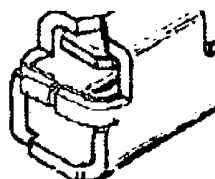
Step 2: Miwa shows putting a protection wall prevents the contact piece from becoming deformed.



Step 3: One skilled in the art uses the teaching of Miwa to reduce FCT's potential for failure.



Step 4: All limitations of Claims 22-42 are shown in the Miwa's improvements to FCT's terminal.



***Response to Arguments***

-- In response to applicant's argument (page 6, lines 5-6 ) concerning that FCI's jumbo PV Receptacle does not show claim 30's limitations and that Miwa does not show claim 30's limitations, the argument is not convincing. 37 CFR § 1.111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section." Applicant has failed to specifically point out how the language of the claims patentably distinguishes them from the references because substantially every element number pertaining to claim 31 is shown in Step 1 and the associated examiner's figure.

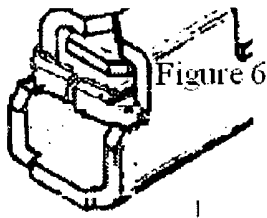
Although applicant did not claim the protection wall (substantially equivalent to Miwa protection wall 51 (see the examiner's figure associated with Step 2 of the rejection)) FCI's jumbo PV Receptacle as modified by Miwa also shows the same protection wall and resulting structure.

-- In response to applicant's argument (page 6, lines 11-13 ) concerning that neither FCI's jumbo PV Receptacle or Miwa show the limitations of claim 33, this argument is not convincing. Neither reference is required to teach the limitations alone in an obvious rejection. This is considered a piecemeal analysis of the references, it has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. In re Keller, 208 USPQ 871 (CCPA 1981).

Further, applicant's argument is not clear, the examiner's figure in the previous office action associated with Step 4 is not an exact duplicate of applicant's figure 4, There is no

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claimed structure not shown by the FCI's jumbo PV Receptacle as modified by Miwa. If applicant's argument is based on the amended claim language "adjacent", this amendment is seen to differentiate the gap shown between the opening 80 and the protection wall 51, the following examiner's figure is shown to clarify the rejection. However, even without the examiner's figure, the amended claim language does not differentiate any structure that is shown by FCI's jumbo PV Receptacle as modified by Miwa.



-- In response to applicant's argument (page 6, lines 18-19 ) concerning that the FCI's jumbo PV Receptacle does not show claim 39's limitation, "an external opening spaced apart from the entrance through which a flexible contact element leading edge extends, the examiner disagrees. FCI's jumbo PV Receptacle shows (see examiner's figure associated with step 1 ) a leading edge 42 that is in an opening 80. The opening 80 is spaced from the entrance 70.

### ***Conclusion***

- Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

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For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

- **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

- Effective **October 1, 2003**, all patent application related correspondence transmitted by facsimile must be directed to the central facsimile number, **(703) 872-9306**, with a few exceptions *See Fax Automation in Technology Center 1700, 1237 Off. Gaz. Pat. Office* 140 (August 29, 2000).



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James R. Harvey, Examiner

jrh

January 6, 2004

A handwritten signature in black ink, appearing to read "Thodarta".

THO D. TA  
PRIMARY EXAMINER